

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

Tanesha T. Sowell,

Plaintiff,

v.

Case No. 07-10081

Torque-Traction Integration  
Technologies, Inc.,

Honorable Sean F. Cox

Defendant.

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**ORDER STAYING ACTION PURSUANT TO 11 U.S.C. §362(a)**

Plaintiff Tanesha Sowell filed this action on January 3, 2007, against Defendant Torque-Traction Integration Technologies, Inc. (“Defendant”), alleging sex discrimination, sexual harassment and retaliation under Title VII.

On March 1, 2007, Defendant filed an Answer to the complaint and indicated in its affirmative defenses that Plaintiff’s claims in this action are subject to an automatic stay of 11 U.S.C. §362(a). On that same date, Defendant also filed a “Notice of Suggestion of Pendency of Bankruptcy and Automatic Stay of Proceedings” (“the Notice”). The Notice indicates that on March 3, 2006, Dana Corporation, and numerous of its affiliates, filed voluntary petitions for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§101 *et. seq.* in the U.S. Bankruptcy Court for the Southern District of New York. The Notice identifies numerous entities that have filed for bankruptcy, including: “Torque-Traction Integration Technologies, LLC,” “Torque-Traction Manufacturing Technologies, LLC,” and “Torque-Traction Technologies, LLC.” The only named defendant in this case, however, is “Torque-Traction

Integration Technologies, Inc.” and that entity is not listed as a debtor in the bankruptcy action. Accordingly, the Court raised the issue of whether an automatic stay applies in this case during a status conference with the parties on May 30, 2007.

Thereafter, on June 1, 2007, Defense counsel filed a “Motion to Stay Proceedings.” In that motion, Defense counsel states that the named defendant in this case, “Torque-Traction Integration Technologies, Inc.,” merged with and into “Torque-Traction Integration Technologies, LLC” effective January 1, 2006. Attached as Exhibit B to the motion is a copy of a Certificate from the Secretary of State of the State of Delaware and a copy of the Certificate of Merger.

On June 18, 2007, Plaintiff filed a response to Defendant’s June 1, 2007 Motion to Stay Proceedings, in which she states that “she does not oppose Defendant’s Motion to Stay Proceedings.” [Docket Entry No. 13].

Accordingly, **IT IS ORDERED** that this action is hereby **STAYED** pursuant to 11 U.S.C. §362(a).

**IT IS SO ORDERED.**

s/Sean F. Cox  
Sean F. Cox  
United States District Judge

Dated: June 19, 2007

I hereby certify that a copy of the foregoing document was served upon counsel of record on June 19, 2007, by electronic and/or ordinary mail.

s/Jennifer Hernandez  
Case Manager